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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,674	12/19/2003	John A. Throckmorton	ITL.1705US (P17674)	4151
21906	7590	05/23/2008		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER RAY, AMIT K	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/741,674	Applicant(s) THROCKMORTON ET AL.	
	Examiner AMIT K. RAY	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. The applicant has cancelled Claims 1-20 and has added new Claims 21-25, of which Claim 21 is an independent claim and Claims 22-25 are dependent claims.

Response to Remarks

2. Applicant's arguments with respect to new independent claim 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Putterman et al, US 20050005300 A1.**

Re. Claim21 (New), Putterman discloses a method, comprising:

- (a) **networking two distinct media-playing systems** (Fig.1 shows a plurality of PVR-Media Server networking with each other and a plurality of clients, [0022], lines 1-

16), **each media-playing system including video resources, including a tuner** ([0023], lines 1-12, reciting about different types of media including television signals, audio, video, etc., being input to each PVR-media server, and Fig.2 shows each PVR-Media Server comprising a plurality of tuners), **that may be accessed and used by the other media-playing systems** (Fig.2 shows a plurality of clients, which is a device that plays back media (see [0022], lines 6-9 and entire [0024]), accessing a plurality of PVR-media servers via network 210); and

(b) a controller to receive a request from one system for a Video resource on the other system ([0005], lines 6+, clients generating request for PVR system services and the PVR system i.e. controller allocating video resources i.e. tuners of the PVR, thus implying PVR system receiving a request; [0006], lines 2-7).

Re. Claim 22 (New), the method of claim 21, including enabling a tuner on one system to be used by the other system ([0006], lines 1+, reciting assigning an available tuner of a PVR system if the tuner to receive the television signal at the channel selected is not available and further reciting (see [0069], lines 5-7) an RPC mechanism permitting a device to control another device on the network, thus implying a content selected in one PVR system can use a tuner of another PVR system for delivery to a client; [0044], lines 1+, searching a tuner on PVR-Media server system, thus teaching that a tuner on one system can be used by another system).

Re. Claim 23 (New), the method of claim 21, including providing the controller on one of said systems ([0005], lines 5+, allocating resources of the PVR-Media server (i.e. controller) to the clients corresponds to providing the controller on a media system).

Re. Claim 24 (New), the method of claim 21, including sharing at least one of a video recording resource, a scheduling resource, a guide resource, and a display (Fig.2, [0025], lines 1+, reciting networked PVR-Media servers, "n" clients and at least two televisions, and clients and any client receiving video signal from any tuner i.e. sharing video recording resource; [0038], lines 9+, sharing scheduling resources between PVR-Media servers; [0031], lines 13-19, sharing a EPG guide resource).

Re. Claim 25 (New), the method of claim 21, including networking at least three distinct media-playing systems, each system including video resources such that resources on any one of the three systems may be accessed and used by any of the other three systems (Fig.2, [0025], lines 1+, disclosing at least three networked PVR-Media servers, each with multiple tuners i.e. video recording resources, and network 210 allowing mutual accessibility of PVR-Media servers and clients, and any client receiving video signal from any tuner from the three PVR-Media servers; [0054], lines 1-7, reciting networked PVR system utilizing a "peer-to-peer" architecture and all client devices communicating with other devices, including multiple client devices and multiple PVR-Media servers, thus "peer-to-peer" architecture implying that resources on any one of the three systems may be accessed and used by any of the other systems).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amit K. Ray whose telephone number is (571) 272-6939. The examiner can normally be reached on Monday-Friday 8:30 AM to 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amit K. Ray/

/Hunter B. Lonsberry/

Primary Examiner, Art Unit 2623